

STATUTES

ARTICLE 18 – EXAMINATION – REGISTRATION AND REGULATION OF BARBERS

Cross References to Related Sections:

Board of barbering, see 74-1805a to 74-1807.

Cosmetologist, see ch. 65, art. 19.

Attorney General’s Opinions:

Barber advertisement by cosmetologist. 89-82.

Inspection of dual-licensed barber and beauty shops. 90-41.

EXAMINATION AND REGISTRATION

65-1801.

History: L. 1913, ch. 292, § 1; R.S. 1923, 65-1801; Repealed, L. 1939, ch. 241, § 20; July 1.

CASE ANNOTATIONS

1. “Hairdressing and beauty parlor”; proprietor not a barber. Keith v. State of Barber Board, 112 K. 834, 835, 212 P. 871.
2. Services permissible under license and cosmetologist license discussed. State, ex rel, v. Cavender 131 K. 577, 578, 292 P. 763.
3. Cited in holding licensed cosmetologist not a barber. Lane v. State, 120 Neb. 302, 305, 232 N.W, 96.
4. City ordinance regulating barbers in conflict with state law held invalid. Trimble v. City of Topeka, 147 K. 111, 113, 75 P. 2d 241.
5. Act cited in distinguishing practicing of medicine and surgery and osteopathy. State, ex rel., v. Gleason, 148 K. 1, 9, 79 P. 2d 911. Rehearing denied: 148 K. 458, 84 P. 2d 48. Opinion on post-decision motions: 148 K. 459, 83 P.2d 425.

65-1802

History: L. 1913, ch. 292, § 6; R.S. 1923, 65-1802; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70, § 6.

65-1803

History: L. 1913, ch. 292, § 7; R.S. 1923, 65-1803; L. 1927, ch. 244, § 1; L. 1933, ch. 224, § 1; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70, § 7.

65-1804.

History: L. 1913, ch. 292, § 8; R.S. 1923, 65-1804; L. 1927, ch. 244, § 2; L. 1933, ch. 224, § 2; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70, § 8.

CASE ANNOTATIONS

1. Section not applicable to proprietors of "hair-dressing and beauty parlors." Keith v. State Barber Board, 112 K. 834, 835, 212 P. 871.
2. Services permissible under barber license and cosmetologist license discussed. State, ex rel., v. Cavender, 131 K. 577, 578, 292 P. 763.

65-1805.

History: L. 1913, ch. 292, § 9; R.S. 1923, 65-1805; Repealed, L. 1939, ch. 241, § 20; July 1

Source or prior law:

L. 1903, ch. 70 §9.

65-1806.

History: L. 1913, ch. 292, § 10; R.S. 1923, 65-1806; L. 1927, ch. 244, § 3; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70 §10.

65-1807.

History: L. 1913, ch. 292, § 11; R.S. 1923, 65-1807; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70 §14

65-1808. Practice of barbering regulated by act. It is unlawful for any person to engage in barbering for hire in this state, to operate a barber shop, barber school or barber college, to employ any person to engage in the practice of barbering as defined in K.S.A. 65-1809 and amendments thereto, except in conformity with the provisions of this act.

History: L. 1939, ch. 241, § 1; L. 1970, ch. 255, § 1; L. 1981, ch. 248, § 1; July 1.

Attorney General's Opinions:

Restoration of Barber's certificate; fee. 84-31.

Eligibility of convicted sex offenders for state barber's license. 90-118.

CASE ANNOTATIONS

1. Mandamus to compel issuance of license; matter held res judicata; dismissed. Kenoyor v. Board of Barber Examiners, 176 K. 424, 425, 271 P.2d 267.65-1.

65-1809. Definitions. As used in this act:

- (a) "Board" means the Kansas board of barbering;
- (b) "administrative officer" means the administrative officer of the board;
- (c) "license" means a license entitling the person to whom issued to practice barbering, or to operate a barber school, barber college or barber shop;
- (d) "barber shop" means any place, shop or establishment, wherein the practice of barbering is engaged in or carried on;
- (e) "barber school" or "barber college" means any place or establishment wherein the practice, fundamentals, theories or practical applications of barbering are taught;

(f) "barbering" means any one or any combinations of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the purpose of diseases or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally, upon male or female): Shaving or trimming the beard or cutting the hair; giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical appliances, singeing, shampooing or dyeing, arranging, perming or waving the hair, or applying tonics; applying cosmetic preparations, antiseptic powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body.

History: L. 1939, ch. 241, § 2; L. 1990, ch. 225, § 2; July 1.

65-1810. Barber schools and colleges; approval by board; requirements; students, application, fees, license; unlawful acts. (a) No barber school or barber college shall be approved by the board unless:

(1) The school or college requires, as a prerequisite to graduation, a course of instruction of not less than 1,500 hours to be completed within 18 months of not more than eight hours in any one working day;

(2) the course of instruction required by the school or college includes scientific fundamentals of barbering; hygiene; histology of the hair and skin; structure of the head, face and neck; elementary chemistry relating to sterilization and antiseptics; massages and manipulations of the muscles of the scalp, skin and neck; cutting, shaving, arranging, perming, waving, curling, coloring, bleaching, tinting and dyeing the hair; and barbering practices for all major ethnic groups residing in the state;

(3) all instructors of the school or college have been licensed practicing barbers for not less than three years and hold instructors licenses; and

(4) no practice or policy of discrimination is in effect against applicants for admission to the school or college by reason of race, religion, color, national origin or ancestry.

(b) An instructors license shall be granted by the board only after the applicant has passed a two-part examination, prescribed by the board for such purpose, with a grade of not less than 75% on each part of the examination, and has paid the prescribed fee for such examination.

(c) Every barber school and every barber college shall designate to the public that it is a barber school or barber college by posting a sign on the front window or entrance with letters not less than six inches in height.

(d) No barber school or barber college shall enroll or admit any student thereto unless such student shall make and file in duplicate an application upon a form prescribed and furnished by the board. One copy of such application shall be retained by the school or college, and the school or college shall file the other with the board. Upon enrollment, a student shall pay to the board the fee prescribed for a student learning license. Such license shall be used by the student while enrolled in the school or college and shall be placed next to or near the working area of the student.

(e) No barber school or barber college shall enroll or admit any student to a postgraduate course for the purpose of qualifying persons to pass the examination conducted by the board to determine fitness to practice barbering.

(f) It shall be unlawful for any person, firm or corporation to operate a barber school or barber college without first obtaining a license from the board, fully complying with the provisions of this act and paying an annual fee for the operation thereof.

History: L. 1939, ch. 241, § 3; L. 1961, ch. 288, § 1; L. 1965, ch. 380, § 1; L. 1970, ch. 255, § 2; L. 1980, ch. 190, § 1; L. 1982, ch. 265, § 1; L. 1988, ch. 249, § 1; L. 1990, ch. 225, § 3; July 1

Attorney General's Opinions:

Three years of experience requirement does not need to have been in Kansas 87-51.

Schools or colleges of barbering; approval by board; rules and regulations; requirements. 87095.

65-1811.

History: L. 1939, ch. 241, § 4; L. 1961, ch. 288, § 2; L. 1970, ch. 255, § 3; L. 1976, ch. 272, § 1; L. 1980, ch. 190, § 2; Repealed, L. 1981, ch. 248, § 9; July 1.

65-1812.

Qualifications for licensure as a barber; temporary license. (a) Any person shall be qualified to receive a license to practice barbering if such person:

- (1) Is at least 16 years of age and of good moral character and temperate habits;
- (2) has graduated from a high school accredited by the appropriate accrediting agency or has otherwise obtained the equivalent of a high school education;
- (3) is a graduate of a barber school or barber college approved by the board or has satisfactorily completed the barber course at an institution under the control of the secretary of corrections or the disciplinary barracks at Fort Leavenworth;
- (4) has paid an examination fee and has passed the examination conducted by the board to determine the fitness of such person to practice barbering.

(b) Any person who fails to pass an examination conducted by the board to determine such person's fitness to practice barbering shall be entitled to take the next examination conducted by the board.

(c) The board may issue a temporary license to practice barbering to any person who has graduated from an approved barber school or barber college and who makes application to take the next examination for licensure to practice barbering. Such license shall be effective only until the results of the examination are announced. No more than three temporary licenses shall be issued to any one person.

History: L. 1939, ch. 241, § 5; L. 1965, ch. 380, § 2; L. 1970, ch. 255, § 4; L. 1976, ch. 272, § 3; L. 1978, ch. 244, § 1; L. 1980, ch. 190, § 3; L. 1981, ch. 248, § 2; L. 1982, ch. 265, § 2; L. 1990, ch. 225, § 4; L. 1990, ch. 309, § 36; July 1

Attorney General's Opinions:

Eligibility of convicted sex offenders for state barber's license. 90-118.

65-1813.

Same; persons authorized to practice outside state; examination exemption, conditions; reciprocity.

(a) The board may issue, without examination, a license to practice barbering to any person who pays the prescribed fee and submits evidence satisfactory to the board that such person:

- (1) Is at least 18 years of age;
- (2) is of good moral character and temperate habits; and
- (3) is legally authorized to practice barbering in another state, territory or country which has substantially the same requirements for authorization to practice as required for licensure under this act and which grants reciprocal authorization to barbers licensed in this state as required by subsection (b).

(b) A license shall be issued pursuant to this section only if the state, territory or country in which the person is authorized to practice barbering grants, under like conditions and without examination, reciprocal authorization to barbers licensed in this state.

(c) No license shall be issued to any person without examination unless such person meets all requirements of this section.

History: L. 1939, ch. 241, § 6; L. 1980, ch. 190, § 4; L. 1982, ch. 265, § 3; L. 1990, ch. 225, § 5; July 1.

65-1814.

Application. Any person who desires to practice barbering shall file with the board a written application on a form prescribed by the board.

History: L. 1939, ch. 241, § 7; L. 1961, ch. 288, § 3; L. 1974, ch. 253, § 3; L. 1976, ch. 272, § 2; L. 1981, ch. 248, § 3; L. 1982, ch. 265, § 4; April 29.

65-1815.

Examinations for licensure; times, places, content and required grade; reexamination; applications; seminar permits. The board shall conduct examinations for applicants for licensure to practice barbering at such times and places as the board shall determine; but examinations shall be given not less than twice

in each year. Such examination shall include both a practical demonstration and a written test of the applicant's knowledge of hygiene and the fundamentals of the vocation. A license to practice shall be issued each applicant who shall satisfactorily pass both the practical demonstration and the written test with a grade of not less than 80%, and shall possess the other qualifications required by law. The board shall allow an applicant who fails one part of the examination to be reexamined only on that part which was failed. Each application to practice shall contain, in addition to any other information required by the board or by law, the name, address, social security number, height, weight and age of the applicant to whom issued. The board may issue seminar permits to barbers and teachers holding valid licenses from Kansas or any other state or country, to teach and demonstrate the art of advanced barbering. Such seminar permit shall be restricted to prescribed dates and places, but in no instance shall it be valid for more than five days. No such seminar permit shall be required of any barber or teacher demonstrating the art of advanced barbering at no cost to those viewing such demonstration.

History: L. 1939, ch. 241, § 8; L. 1961, ch. 288, § 4; L. 1974, ch. 253, § 1; L. 1981, ch. 248, § 4; L. 1982, ch. 265, § 5; L. 1990, ch. 225, § 6; July 1.

65-1816.

Exemptions. The following persons are exempt from the provisions of this act, while in the discharge of their professional duties: (a) Persons licensed by the law of this state to practice medicine and surgery or chiropractic; (b) commissioned medical or surgical officers of the United States army, navy or marine hospital service; (c) registered nurses; (d) undertakers and morticians; and licensed cosmetologists and apprentices.

History: L. 1939, ch. 241, § 9; July 1.

65-1817.

Fees; determination and collection; limitations; duplicate licenses. (a) In each fiscal year, the board shall determine the amount of funds which will be required during the next ensuing fiscal year to properly administer the laws which the board is directed to enforce and administer and shall fix fees in accordance with this section for such ensuing year in such reasonable sums as may be necessary for such purposes. (b) After fixing such fees, the board may charge and collect the fees, in advance for the following purposes, subject to the following limitations:

For examination of applicant to practice barbering--not more than	\$100
For issuance of license to practice barbering--not more than	80
For renewal of license to practice barbering--not more than	80
For restoration of expired license to practice barbering, if expiration period is under three years, the lapsed fees plus a restoration fee of not more than	100
After three years applicant shall be reexamined upon payment of the regular examination fee--not more than	100
For instructors license or annual renewal thereof--not more than	90
For restoration of expired instructors license, if expiration period is under three years, the lapsed fees plus a restoration fee of not more than	90
After three years the instructor shall be reexamined upon payment of the regular examination fee--not more than	170
For a license to operate a barber school or barber college, annual fee --not more than	500
For shop inspection, and annual license fee--not more than	40
For restoration of expired shop license, if expiration period is under three years, the lapsed fee plus a restoration fee of not more than	80
For a new shop, relocation or change of ownership--not more than	80
For issuance of a seminar permit--not more than	80
For issuance of student learning license--not more than	55

(c) A duplicate license will be issued upon the filing of a statement covering the loss of same and the payment of a fee of \$5 for the issuance of same. Each duplicate shall have the word "duplicate" stamped across the face thereof and will bear the same number as the original.

History: L. 1939, ch. 241, § 10; L. 1949, ch. 333, § 1; L. 1956, ch. 52, § 11; L. 1957, ch. 431, § 8; L. 1958, ch. 53, § 1 (Budget Session); L. 1961, ch. 288, § 5; L. 1963, ch. 398, § 12; L. 1970, ch. 255, § 5; L. 1973, ch. 309, § 18; L. 1974, ch. 253, § 2; L. 1975, ch. 321, § 1; L. 1980, ch. 191, § 1; L. 1981, ch. 248, § 5; L. 1982, ch. 265, § 6; L. 1990, ch. 225, § 7; L. 2003, ch. 36, § 1; July 1.

Attorney General's Opinions:

Restoration of barber's certificate; fee. 84-31.

CASE ANNOTATIONS

1. Mentioned; mandamus to compel issuance of license; res judicata; dismissed.
Kenoyer v Board of Barber Examiners, 176 K. 424, 426, 271 P. 2d 267.

65-1817a.

Disposition of moneys; board of barbering fee fund. The board shall remit all moneys received by or for it from fees, charges or penalties to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the board of barbering fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by a person or persons designated by the chairperson.

History: L. 1973, ch. 309, § 19; L. 1990, ch. 225, § 8; L. 2001, ch. 5, § 231; July 1.

Cross Reference to Related Sections:

Purpose and limitations on moneys credited to state general fund see 75-3107a.

65-1818.

Display of license. Every holder of a license to practice barbering shall display such license in a conspicuous place next to or near the holder's work chair.

History: L. 1939, ch. 241, § 11; L. 1990, ch. 225, § 9; L. 1992, ch. 112, § 1; July 1.

65-1819.

Renewal of license; annual requirement; expiration dates; fees prorated, when; restoration of license. (a) Every licensed barber, instructor, operator of a barber shop and operator of a barber school or barber college shall annually renew the license and pay the required fee. The expiration date of each license which is issued, restored or renewed by the board shall be established by rules and regulations of the board so that licenses are renewed by the board throughout the year on a continuing basis. In each case in which a license is issued, restored or renewed for a period of time of less than one year, the board may prorate the amount of the fee established under K.S.A. 65-1817, and amendments thereto.

(b) A barber whose license has been expired for a period of less than three years may have the license renewed immediately upon payment of the required restoration fee. Any barber whose license has been expired for a period of three or more years, may renew the license after a successful reexamination by the board and upon the payment of the required examination and license fees.

History: L. 1939, ch. 241, § 12; L. 1961, ch. 288, § 6; L. 1978, ch. 245, § 1; L. 1981, ch. 248, § 6; L. 1990, ch. 225, § 10; L. 1992, ch. 112, § 2; July 1.

Attorney General's Opinions:

Restoration of barber's certificate; fee. 84-31.

CASE ANNOTATIONS

1. Mandamus to compel issuance of license; issue held res judicata.
Kenoyer v. Board of Barber Examiners, 176 K. 424, 425, 426, 271 P. 2d 267.

65-1820.

History: L. 1939, ch. 241, § 13; L. 1970, ch. 255, § 6; L. 1981, ch. 248, § 7; L. 1982, ch. 265, § 7; L. 1984, ch. 313, § 112; L. 1989, ch. 195, § 2; Repealed, L. 1991, ch. 191, § 4; July 1.

65-1820a.

Nonissuance, non renewal, suspension or revocation of license; grounds; board orders requiring remediation of violations. (a) The board may issue orders which require the remedying of any of the violations specified in subsection (b). If the violations are not remedied in a reasonable time after the order is issued, the board shall issue an order suspending the license of the violator. The board shall follow the procedure provided in the Kansas administrative procedure act to suspend a license.

(b) The board may refuse to issue, renew, suspend or revoke a license for any one or combination of the following reasons:

- (1) Malpractice or incompetency;
- (2) when an applicant or a licensed barber is or becomes afflicted with an infectious or communicable disease;
- (3) advertising by knowingly false or deceptive statements;
- (4) advertising, practicing or attempting to practice under a trade name other than one's own;
- (5) habitual drunkenness or habitual addiction to habit-forming drugs;
- (6) unprofessional conduct;
- (7) obtaining or attempting to obtain a license for money other than the required fee, or for any other thing of value or by fraudulent misrepresentations;
- (8) the willful failure to display a license to practice barbering as required by K.S.A. 65-1818, and amendments thereto;
- (9) practicing or attempting to practice barbering by fraudulent misrepresentations;
- (10) the violation of any of the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 and amendments thereto for the regulation of barber shops, barber schools and barber colleges; or
- (11) the violation of rules and regulations of the board concerning the operation or management of a barber shop, barber school or barber college.

History: L. 1939, ch. 241, § 13; L. 1970, ch. 255, § 6; L. 1981, ch. 248, § 7; L. 1982, ch. 265, § 7; L. 1984, ch. 313, § 112; L. 1990, ch. 225, § 11; L. 1991, ch. 191, § 1; L. 1992, ch. 112, § 3; July 1.

65-1821.

Same; reinstatement.

When a license has been refused, suspended or revoked, the person aggrieved thereby may apply for reinstatement, and such reinstatement shall be granted by the board upon showing that the reason therefor no longer exists.

History: L. 1939, ch. 241, § 14; L. 1988, ch. 356, § 200; L. 1990, ch. 225, § 12; L. 1992, ch. 112, § 4; July 1.

65-1822.

Unlawful acts; penalties. Each of the following constitutes a misdemeanor punishable upon conviction by a fine of not less than \$10 and not more than \$100: (a) The violation of any of the provisions of this act; (b) obtaining or attempting to obtain a license for any other than the required fee, or for any other thing of value or by fraudulent misrepresentations; (c) practicing or attempting to practice by fraudulent misrepresentations.

History: L. 1939, ch. 241, § 15; L. 1990, ch. 225, § 13; July 1.

65-1823.

History: L. 1941, ch. 298, § 1; L. 1990, ch. 225, § 14; Repealed, L. 1992, ch. 112, § 8; July 1.

CASE ANNOTATIONS

1. Mentioned; mandamus to compel board to act not maintainable by private citizen, when. *Dennis v. State Board of Barber Examiners*, 174 K. 561, 562, 257 P.2d 940.

65-1824.

Powers of board. The board is hereby authorized, empowered, and directed to administer and enforce the provisions of this act and the board is hereby granted such specific powers as are necessary for the purpose of administering and enforcing the same. In addition thereto, the board shall have power:

(a) To supervise and regulate the barbering industry in this state. Nothing contained in this act shall be construed to abrogate, affect the status, force or operation of any provision of the general laws of this state relating to public health or any lawful rule, regulation or order promulgated thereunder, the law regulating the practice of barbering or any local health ordinance or regulation.

(b) To investigate all matters pertaining to the proper supervision and control of barber shops and the practice of barbering in this state.

(c) To subpoena barber shop owners, operators, managers or employees, their books and accounts, and other persons from whom such information may be desired, to carry out the purposes and intent of this act, and may issue commissions to take depositions from witnesses absent from the state. Any member of the board may sign and issue subpoenas and administer oaths to witnesses.

(d) To act as mediator and arbitrator in any controversy or issue that may arise among or between barbers as individuals or that may arise between them as groups. Nothing herein contained shall be construed as authorizing any interference with the authority of the state department of labor or the United States department of labor.

The operation and effect of any provisions of this act which confer a general power upon the board shall not be impaired or qualified because a specific power has been granted to the board by this act.

History: L. 1941, ch. 298, § 2; L. 1990, ch. 225, § 15; L. 2004, ch. 179, § 89; July 1.

Attorney General's Opinions:

Eligibility of convicted sex offenders for state barber's license. 90-118.

65-1825.

History: L. 1941, ch. 298, § 3; L. 1965, ch. 506, § 31; L. 1980, ch. 190, § 5; L. 1984, ch. 313, § 113; L. 1988, ch. 366, § 17; L. 1989, ch. 195, § 3; Repealed, L. 1991, ch. 191, § 4; July 1.

65-1825a.

Rules and regulations; sanitation standards. (a) Except with regard to sanitation standards provided for by K.S.A. 65-1,148, and amendments thereto, the board may adopt rules and regulations necessary to carry out the provisions of this act. The rules and regulations of the board shall be posted for public inspection in the main office of the board and a certified copy thereof shall be filed in the office of the administrative officer of the board. The board may also publish such rules and regulations in publications representing the barbering industry.

(b) The board shall furnish a copy of the sanitation standards adopted pursuant to K.S.A. 65-1,148 and amendments thereto to each person to whom a license is granted and a copy shall be posted in a conspicuous place in each barber shop, barber school and barber college by the manager thereof.

History: L. 1941, ch. 298, § 3; L. 1965, ch. 506, § 31; L. 1980, ch. 190, § 5; L. 1984, ch. 313, § 113; L. 1988, ch. 366, § 17; L. 1990, ch. 225, § 16; L. 1991, ch. 191, § 2; L. 1992, ch. 112, § 5; July 1.

65-1826. Investigation; fees of witnesses and officers. The practice and procedure of the board with respect to any investigation made by it under authority of this act shall be in accordance with rules and regulations adopted by the board.

Each person who serves a subpoena shall receive the same fees as a sheriff, and each witness who appears in obedience to a subpoena, shall receive for attendance the fees and mileage provided by law for witnesses in civil cases in the district courts of this state. Such fees and mileage shall be paid by the board in the same manner as other expenses are paid by the board. No witness subpoenaed at the instance of a party other than the board or one of its members, or its administrative officer, shall be entitled to fees and mileage unless the board shall certify that the witness' testimony was material to the matter investigated.

History: L. 1941, ch. 298, §4; L. 1984, ch. 313, §114; L. 1990, ch. 225, §17; L. 1992, ch. 112, §6; July 1.

65-1827.

Entry and inspection. Any member of the board or employee designated for the purpose, shall have access to and may enter at all reasonable hours all places where barbering is being carried on. Any member of the board or designated employee also shall have power to inspect all books, papers, records or documents in any barber shop within the state for the purpose of ascertaining facts to enable the board to administer this act.

History: L. 1941, ch. 298, § 5; July 1.

65-1828. Penalty for violations; enforcement of act and sanitation standards; procedure. (a) A violation of any provision of this act, except as otherwise expressly provided by this act, is a misdemeanor punishable by a fine of not less than \$25 or by imprisonment not exceeding six months, or both, and each day during which such violation continues shall be deemed a separate violation.

(b) The board may institute such actions in the courts of competent jurisdiction as may appear necessary to enforce compliance with any provision of this act.

(c) The board may obtain enforcement of its rules and regulations or any subpoena or other order of the board in accordance with the act for judicial review and civil enforcement of agency actions and may obtain enforcement of any sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148 as if such standards were rules and regulations of the board.

History: L. 1941, ch. 298, § 6; L. 1989, ch. 195, § 4; July 1.

65-1829.

History: L. 1941, ch. 298, § 7; L. 1984, ch. 313, § 115; Repealed, L. 1992, ch. 112, § 8; July 1.

CASE ANNOTATIONS

1. Mentioned; mandamus to compel issuance of license; issue res judicata; dismissed.

Kenoyer v. Board of Barber Examiners, 176 K. 424, 425, 426, 271 P. 2d 267.

65-1830.

History: L. 1941, ch. 298, § 8; L. 1970, ch. 255, § 7; Repealed, L. 1978, ch. 246, § 1; July 1.

CASE ANNOTATIONS

1. Mandamus action to compel board to act not maintainable by private citizen, when. Dennis v. State Board of Barber Examiners, 174 K. 561, 562, 564, 257 P.2d 940.

65-1831.

Confidentiality of documents, records, investigative information. No member of the board, nor any officer, agent or employee thereof, shall divulge to any person, firm or corporation the contents of any document, paper or record, examined in the performance of duties hereunder, or any information obtained in the course of any investigation, except as may be required to carry out the purpose of this act.

History: L. 1941, ch. 298, § 9; L. 1990, ch. 225, § 18; July 1.

Law Review and Bar Journal References:

“Administrative Law: Deletion of Confidential Information from Official Public Records,” David E. Burns, 22 W.L.J. 364 (1983).

65-1832.

Performance of duties by board; additional compensation prohibited. The members of the board shall not be entitled to additional compensation for the performance of duties required of them by this act.

History: L. 1941, ch. 298, § 10; L. 1973, ch. 309, § 20; L. 1990, ch. 225, § 19; July 1.

65-1833.

Declaration of legislative intent. The legislature hereby declares that this act is necessary to protect the public welfare, public health and public safety and that this act is enacted in the exercise of the police power of the state.

History: L. 1941, ch. 298, § 11; July 1.

CASE ANNOTATIONS

1. Mandamus action to compel board to act not maintainable by private citizen, when. *Dennis v. State Board of Barber Examiners*, 174 K. 561, 562, 564, 257 P.2d 940.

65-1834. Constitutionality. If any part or parts of this act shall be held to be unconstitutional by any court, it shall be conclusively presumed that the legislature would have passed this act without such invalid part or parts.

History: L. 1941, ch. 298, § 12; July 1.

CASE ANNOTATIONS

1. Mandamus action to compel board to act not maintainable by private citizen, when. *Dennis v. State Board of Barber Examiners*, 174 K. 561, 562, 564, 257 P.2d 940.

65-1835. Licensing barbershops; fees; compliance with sanitary standards required. The board shall license barber shops and shall issue licenses therefor upon payment of the prescribed fees, if the board finds the barber shop to be in compliance with its rules and regulations and the sanitation standards prescribed pursuant to K.S.A. 65-1,148 and amendments thereto.

History: L. 1992, ch. 112, § 7; July 1.

Article 18.—Board of Barbering**Cross References to Related Sections:**

Examination, registration and regulation see ch. 65, art. 18.

74-1801.

History: L. 1913, ch. 292, § 2; R.S. 1923, 74-1801; L. 1927, ch. 244, § 4; Repealed, L. 1939, ch. 241, § 20; July 1

Source or prior law:

L. 1903, ch 70, §2.

CASE ANNOTATIONS

1. City ordinance regulating barbers in conflict with state law held invalid. *Trimble v. City of Topeka*, 147 K. 111, 113, 75 P.2d 241.
 2. Act cited in distinguishing practicing of medicine and surgery and osteopathy. *State, ex rel., v. Gleason*, 148 K. 1, 9, 79 P.2d 911.
- Rehearing denied: 148 K. 459, 83 P.2d 425.

74-1802.

History: L. 1913, ch. 292, § 3; R.S. 1923, 74-1802; Repealed, L. 1939, ch. 241, § 20; July 7.

Source or prior law:

L. 1903, ch. 70, § 3.

74-1803.

History: L. 1913, ch. 292, § 4; R.S. 1923, 74-1803; L. 1927, ch. 244, § 5; L. 1933, ch. 224, § 3; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70, § 5.

74-1804.

History: L. 1913, ch. 292, § 5; R.S. 1923, 74-1804; L. 1927, ch. 244, § 6; Repealed, L. 1939, ch. 241, § 20; July 1.

Source or prior law:

L. 1903, ch. 70, § 5.

74-1805.

History: L. 1939, ch. 241, § 16; L. 1961, ch. 379, § 1; L. 1967, ch. 434, § 30; L. 1975, ch. 462, § 110; L. 1978, ch. 308, § 59; L. 1981, ch. 248, § 8; L. 1989, ch. 195, § 9; Repealed, L. 1991, ch. 191, § 4; July 1.

74-1805a. Board of barbering, creation, appointment, composition, qualifications, oath, terms, chairperson, vacancies; administrative officer, appointment, unclassified service, salary, duties. (a)

There is hereby created the Kansas board of barbering which board shall be composed of five members to be appointed by the governor. Four members of the board shall be barbers and one member of the board shall represent the general public. Each member of the board, except the members who are appointed to represent the general public, shall have had experience as a practical barber for at least five years immediately prior to appointment. Each member of the board, before entering upon the member's duties shall take the oath provided by law for public officers. One member of the board shall be appointed each year for a term of three years, and shall hold office until a successor is appointed and qualified.

(b) The governor shall designate one member of the board as the chairperson thereof and the member shall hold such position during the member's term of office. Vacancies caused by death, resignation or other causes, shall be filled by appointment as provided for regular appointments, but such appointees shall serve only for the unexpired terms of their predecessors.

The board shall appoint an administrative officer who shall be in the unclassified service of the Kansas civil service act. The administrative officer shall receive an annual salary fixed by the board subject to approval of the governor. The administrative officer shall be treasurer of the board and shall keep a record of its proceedings and perform other duties as directed by the board.

History: L. 1939, ch. 241, § 16; L. 1961, ch. 379, § 1; L. 1967, ch. 434, § 30; L. 1975, ch. 462, § 110; L. 1978, ch. 308, § 59; L. 1981, ch. 248, § 8; L. 1990, ch. 225, § 20; L. 1991, ch. 191, § 3; July 1.

74-1805b. Official designation. (a) On July 1, 1990, the board of barber examiners shall be and hereby is officially designated as the Kansas board of barbering.

(b) On and after July 1, 1990, when the board of barber examiners or the administrative officer of the board of barber examiners, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall mean and apply to the Kansas board of barbering and to the administrative officer of the Kansas board of barbering.

(c) Nothing in this act shall be construed as abolishing the board of barber examiners or the office of the administrative officer thereof, or as reestablishing the same.

History: L. 1990, ch. 225, § 1; July 1.

74-1806. Meetings of board; records; compensation and expenses; dual-licensed salon and barber shops; rules and regulations; employees. (a) Except as provided in subsection (b), the board shall meet immediately after appointment and determine the policies of the board and may conduct any business that may be before such board. Thereafter, the board shall meet as required by law, at times designated by the board and on the call of the administrative officer. The board shall keep a record of all its proceedings and a register of all applicants for licensure and all licensees. Members of the board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. The board shall adopt rules and regulations for the purpose of carrying out the provisions of this act. The administrative officer, with the approval of the board, shall have authority to employ inspectors and office personnel as may be deemed necessary to administer this act, and shall provide and maintain offices. The inspectors so appointed shall perform all of the inspection duties of the board. All employees of the board shall be within the classified service of the Kansas civil service act, with the exception of the administrative officer, who shall be in the unclassified service.

(b) The chairperson of the board of barbering, with the approval of the board, may enter into an agreement with the chairperson of the board of cosmetology as to which board's inspectors shall inspect a dual-licensed salon and barber shop. Such designated inspectors shall perform all of the inspection duties of both boards, as required by the applicable statutes and rules and regulations of both boards and the sanitation standards adopted by the secretary of health and environment pursuant to K.S.A. 65-1,148, and amendments thereto. Such designated inspectors shall be trained by both boards as required by the applicable statutes and rules and regulations of both boards.

History: L. 1939, ch. 241, § 17; L. 1947, ch. 397, § 1; L. 1961, ch. 379, § 2; L. 1965, ch. 458, § 27; L. 1967, ch. 443, § 8; L. 1970, ch. 255, § 8; L. 1974, ch. 348, § 54; L. 1974, ch. 253, § 4; L. 1979, ch. 241, § 1; L. 1990, ch. 225, § 21; L. 2014, ch. 63, § 2; July 1.

Attorney General's Opinions:

Inspection of dual-licensed barber and beauty shops. 90-41

74-1807. Inspection and enforcement. Upon presentation of proper credentials, any member of the board, the administrative officer or the board's inspectors shall have the authority to enter, inspect and enforce rules and regulations pertaining to barber shops, barber schools or barber colleges at any time during business hours.

History: L. 1939, ch. 241, § 18; L. 1961, ch. 288, § 7; L. 1990, ch. 225, § 22; July 1.

74-1808.

History: L. 1939, ch. 241, § 19; Repealed, L. 1943, ch. 269, § 28; June 30.